



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: May 20, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian Harris, Planning and Zoning Administrator
Emily Edwards, Planning Intern

Subject: **Psalm 24:1, LLC. (petitioner) and TW Bridge Associates, LLC. (owner)** – Special Exception under Section 2.02.1(B) and 2.02.13(D)(1) of the Zoning Ordinance to permit the a church use in the R (Residential) and Town Center Overlay Districts. The parcel is located at 10 Twin Bridge Road, Units 2A & 2B. Tax Map 5D-3, Lot 115. Case #2015-17.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is located at 10 Twin Bridge Road in the R (Residential), Town Center Overlay, and Aquifer Conservation Districts. The subject units are currently in use as a warehouse and office space. The site is serviced by public water (MVD) and sewer. The abutting properties are commercial/industrial or single family residential land use.

The petitioner is proposing to convert units 2A and 2B into a church and a light manufacturing business. The Church Use is permitted by Special Exception in the Residential and Town Center Overlay Districts. The petitioner's variance justification indicated that there are currently enough available parking spaces on the property to support the proposed church and the Community Development Department Staff has confirmed that there is the required number of spaces on the site to support both new uses.

Standard of Review:

It is the burden of the petitioner to demonstrate that the 6 criteria for the granting of a Special Exception from Section 2.02.1(B)(1) of the Zoning Ordinance have been met:

- a) The specific site is an appropriate location for such a use or uses in terms of overall community development,
- b) The use as developed will not adversely affect the neighborhood and shall produce no diminution of real estate values in the neighboring area.
- c) There will be no nuisance or serious hazard to vehicles or pedestrians.
- d) That an adequate parking area is provided for motor vehicles on the premises.

- e) A buffer shall be erected and maintained to screen existing residential uses. Buffers may be fence screens, dense plantings of suitable trees and shrubbery, or naturally occurring shrubs and trees.
- f) The use as developed will be restricted for church purposes only. No commercial use of a church within the residential zone will be allowed.

It is also the burden of the petitioner to demonstrate that the 4 criteria for the granting of a Special Exception from Section 2.02.13(D)(1) of the Zoning Ordinance have been met:

- a.) The site is an appropriate location for the proposed use in accordance with the Town Center Plan;
- b.) The proposed use would not result in significantly increased hazards to vehicles or pedestrians by way of traffic congestion, ingress or egress;
- c.) The proposed use would not result in unreasonable impacts to abutting properties by way of increased noise, odor, visual blight or other nuisance, and
- d.) The proposed use is designated in harmony with the overall goals of the Town Center Plan with respect to building, transportation corridor, and site design and arrangement.

Should the Board grant the request, staff recommends the following condition be made part of the approval:

- The petitioner shall obtain Administrative Approval for the change of use from the Community Development Department prior to use of the unit as a church.

cc: Correspondence & Zoning Board File
ec: Psalm 24:1, LLC and TW Bridge Associates, LLC
Carol Miner and Fred Kelley, Building Department